

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANNE BRYANT, ELLEN BERNFELD, and  
GLORYVISION, LTD.

Plaintiff,

Case No. 07-cv-3050

**NOTICE OF MOTION**

- against -

EUROPADISK, LTD., MEDIA RIGHT PRODUCTIONS,  
INC., VERY COOL MEDIA, INC., DOUGLASS  
MAXWELL, THE ORCHARD ENTERPRISES, INC.,  
and RUSSELL J. PALLADINO

Defendant.

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Upon the attached Memorandum of Law in Support of the Defendant's Summary Judgment Motion, Affidavits of Douglas Maxwell and Jason Pascal, together with all the supporting documents enclosed herein, Defendants Media Right Productions, Inc., Douglas Maxwell and The Orchard Enterprises, Inc. (the "Defendants") hereby move this Court for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure dismissing the Plaintiffs' Anne Bryant, Ellen Bernfeld and Gloryvision, Ltd. (the "Plaintiffs") Complaint in its entirety, or in part as follows:

- A. Dismissing Plaintiffs' First Count against the Defendants for alleged trademark and service mark infringement; and/or
- B. Dismissing Plaintiffs' Second Count against the Defendants for alleged common law trade dress infringement and unfair competition; and/or
- C. Dismissing Plaintiffs' Third Count against the Defendants for alleged violation of Plaintiffs' trade dress under Section 43(a)(1) of the Lanham Act; and/or
- D. Dismissing Plaintiffs' Fourth Count against the Defendants jointly and severally for alleged direct copyright infringement; and/or

- E. Dismissing Plaintiffs' Fifth Count against the Defendants jointly and severally for alleged contributory copyright infringement; and/or
- F. Dismissing Plaintiffs' Sixth Count against the Defendants for an alleged breach of contract and an accounting; and/or
- G. Dismissing Plaintiffs' Seventh Count against the Defendants for an alleged breach of fiduciary duty; and/or
- H. Dismissing Plaintiffs' Eighth Count against the Defendants for alleged unjust enrichment; and/or
- I. Granting Defendant's such other and further relief, including all costs and attorneys fees, as this Court deems just and proper.

Dated: New York, NY  
June 6, 2008

Respectfully submitted,

SHELOWITZ & ASSOCIATES PLLC  
*Attorneys for Defendants*

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